

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEFFREY FRANZ, et al.,

Plaintiffs,

vs.

OXFORD COMMUNITY SCHOOL  
DISTRICT, et al.,

Defendants.

Case No. 21-cv-12871

HON. MARK A. GOLDSMITH

**ORDER GRANTING PLAINTIFFS' MOTION INSTANTER TO FILE REPLY BRIEF  
(Dkt. 25) AND SETTING HEARING DATE FOR PENDING MOTIONS**

Plaintiffs have filed a motion instanter requesting authorization to file a late reply brief (Dkt. 25) to Defendants' response (Dkt. 16) to Plaintiffs' ex parte motion for leave to issue subpoenas or for the Court to issue subpoenas under Fed. R. Civ. P. 45 (Dkt. 13). A reply brief is due seven days after service of a response, see E.D. Mich. LR 7.1(e)(1)(B), and so Plaintiffs' reply brief to Defendants' December 15, 2021 response was due on or before December 22, 2021. Plaintiffs submit that their late reply is justified because information pertinent to the Court's consideration of Plaintiffs' motion for Rule 45 subpoenas became available on December 23, 2021. Mot. to File Reply at 1.

The Court finds that Plaintiffs have set forth adequate justification for the late filing and that the late filing will not prejudice Defendants. Accordingly, the Court grants Plaintiffs' motion to file a late reply (Dkt. 25), which Plaintiffs have already filed (Dkt. 26). Defendants are authorized to file a sur-reply to Plaintiffs' reply on or before January 10, 2022.

The Court will hold a hearing via Zoom on January 20, 2022 at 9 a.m. to address both (i) Plaintiffs' ex parte motion for leave to issue subpoenas or for the Court to issue subpoenas under Rule 45 and (ii) Defendant Ryan Moore's motion to dismiss (Dkt. 14). Instructions will follow through a separate order.

SO ORDERED.

Dated: December 29, 2021  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge